

FREEDOM COURT REPORTING

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

4
5 PATTY BEALL, MATTHEW MAXWELL,
6 TALINA MCELHANY AND KELLY
7 HAMPTON, individually and on
8 behalf of all other similarly
9 situated;

10 Plaintiffs,

11 vs. Civil Action

12 No. 2:08-CV-422 TJW

13 TYLER TECHNOLOGIES, INC.

14 AND EDP ENTERPRISES, INC.,

15 Defendants.

16 /

17 PAGE 1 TO 139

18
19 The Deposition of LAURA MILBURN,
20 Taken at 400 Renaissance Center, Suite 2160,
21 Detroit, Michigan,
22 Commencing at 10:01 a.m.,
23 Wednesday, September 1, 2010,
24 Before Jacquelyn S. Fleck, CSR 1352, RPR, CRR, RMR,
25

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1 APPEARANCES:

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7 Appearing on behalf of the Plaintiffs.

8

9 FARIN KHOSRAVI

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15 Appearing on behalf of the Defendants.

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1 would that have been?

2 A. I don't. I can't recall exactly when it was. We were
3 in St. Louis more than one -- on one occasion together.

4 Q. Were you in St. Louis --

5 A. It was cold.

6 Q. If it was cold -- okay.

7 So you think it might have been September --
8 was it towards the end of your employment? Your
9 employment, again, ended around November 2009.

10 A. No. I'd say it was -- I would say it was earlier in
11 2009, when it was winter, or spring.

12 Q. So January, February, March time period --

13 A. Yes.

14 Q. -- of 2009?

15 Sitting here today, Ms. Milburn, you believe
16 that Tyler Technologies owed you overtime pay for any
17 hours worked over 40; is that correct?

18 A. Correct.

19 MS. BAGLEY: Object to form.

20 BY MS. KHOSRAVI:

21 Q. And when did you form this belief? When did you learn
22 that the company should have paid you overtime pay for
23 any hours that you worked over 40?

24 A. When did I learn that?

25 Q. When did you realize that the company should have paid

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1 you overtime pay for any hours worked over 40?

2 A. I can't -- I can't recall when I realized that.

3 Q. When you worked with Lisa Seymour in St. Louis did you
4 believe that the company owed you overtime pay at that
5 point?

6 A. Yes.

7 Q. What about before you went to St. Louis; did you
8 believe that the company owed you overtime pay?

9 A. I don't know. I think -- I'm not sure when I started
10 traveling. St. Louis was one of my first sites, and it
11 was around that time.

12 Q. And what prompted you to form a belief that the company
13 should be paying you overtime pay?

14 A. The schedule, the overtime hours.

15 Q. So once you started working more than 40 hours per week
16 you thought, wait a minute, I'm working more than 40
17 hours per week, the company should pay me overtime?

18 MS. BAGLEY: Form

19 A. Correct.

20 BY MS. KHOSRAVI:

21 Q. When did you start working overtime for Tyler
22 Technologies? And let me put this in some perspective.

23 You started working for the company around June 9,

24 2008, so that was the beginning of your employment. So

25 think back and tell me, during what month was it that

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1 [REDACTED] you started working more than 40 hours per week?

2 [REDACTED] A. It started with my first site visit.

3 Q. Do you remember when your first client visit was?

4 A. I could not say for certain.

5 Q. How many months was it that you were working for Tyler
6 Technologies before they sent you to a client site?

7 And let me help you through -- well, no, I
8 want you to help me through this. I'm imagining if you
9 started working at Tyler Technologies in June 2008, on
10 June 9, 2008, the next week they wouldn't just send you
11 to a client site because --

12 A. I would say two months. You know, it was two months.

13 Q. So by August 2008 you had started to go to a client
14 site?

15 A. Correct.

16 Q. And by then you believe that you were owed overtime for
17 any hours that you were working over 40 per week?

18 A. I phrased it as extra compensation, yes.

19 Q. But in this lawsuit you're not saying extra
20 compensation. You're asking for overtime pay; is that
21 not right?

22 A. Yes. Correct.

23 Q. So you believe that the company owed you overtime pay;
24 correct?

25 A. Correct.

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1 DEPOSITION EXHIBIT 1

2 MARKED BY THE REPORTER

3 FOR IDENTIFICATION

4 BY MS. KHOSRAVI:

5 Q. Ms. Milburn, I'm going to hand you what's been marked
6 as Exhibit Number 1. Tell me if you recognize this
7 document.

8 A. Correct.

9 Q. This -- the document I handed you is -- Exhibit 1 is
10 the consent to opt into this lawsuit that you signed on
11 September 14, 2009; is that correct?

12 A. Yes.

13 Q. And is this the first time, September 14, 2009, is that
14 the first time that you consented to opt into this
15 lawsuit?

16 A. Yes.

17 Q. Ms. Milburn, have you ever been involved in any other
18 lawsuits besides this one?

19 A. No.

20 Q. Have you filed any complaints with the Department of
21 Labor or the Equal Employment Opportunity Commission
22 against Tyler Technologies?

23 A. No.

24 Q. What about against any other employers?

25 A. No.

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1 Q. How many days would you say you did that? Meaning you
2 got into the office in the morning, Good morning
3 everybody, you walk into your office, you sit down and
4 you start working with the software and reviewing
5 documents. How many days would you do that?

6 A. Every day that I wasn't at a client site.

7 Q. Right. Okay. So then that's what I would like to
8 know. I would like to know how many -- starting June
9 9th, 2008, when you first went to work, how many weeks
10 did you continue to do that, go to your office, sit
11 there and train yourself on how to use the software?

12 A. Until my first client visit. And then --

13 Q. Which was when?

14 A. I don't remember.

15 Q. This one I want you to estimate.

16 MS. BAGLEY: Form.

17 A. August, September. It was my -- probably my first
18 client visit, somewhere around after two months of
19 employment.

20 BY MS. KHOSRAVI:

21 Q. So you think, you think June, the whole month of June,
22 starting from June 9 until the end of June, you were
23 training yourself on the system?

24 A. Correct.

25 Q. Do you -- do you remember whether or not you were sent

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1 to a client site in June 2008?

2 A. I don't think I was.

3 Q. So the first month of June we're done with. You were
4 training yourself. Next comes July 2008. You were
5 coming to the office, you were training yourself. Were
6 you sent to a client site in July 2008?

7 A. I don't know.

8 Q. That first month that you were working for Tyler
9 Technologies training yourself --

10 MS. BAGLEY: The expense reports I --

11 BY MS. KHOSRAVI:

12 Q. That first month that you were training yourself on
13 Tyler Technologies software, what time did you get to
14 the office in the morning?

15 A. I typically got to the office around 8:00.

16 Q. And I'm not talking about later on, once you actually
17 learned what you were supposed to do. I'm only talking
18 about initially, when you were still trying to figure
19 out the software and teach yourself and do
20 self-studies. You still got to the office at 8:00 --

21 A. Correct.

22 Q. -- during that time period?

23 And when did you leave the office?

24 A. Between 4:30 and 5.

25 Q. Okay.

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1 A. Typically.

2 Q. Why do you say typically?

3 A. I -- I wouldn't say -- I mean that was the time frame,
4 8 to 5.

5 Q. 8 to 5 is when you were expected to be at the office
6 during that time period; correct?

7 A. Correct. Correct.

8 Q. Was there any reason to stay at the office beyond 5:00
9 during that initial period when you were training
10 yourself?

11 A. No.

12 MS. KHOSRAVI: Good point, Laureen.

13 BY MS. KHOSRAVI:

14 Q. Ms. Milburn, if you were ever sent to a client site,
15 did you typically fill out an expense report for the
16 expenses that you incurred during your trip to a client
17 site?

18 A. Yes.

19 Q. Was there ever a time that you went to a client site
20 and you did not incur any expenses that Tyler
21 Technologies needed to reimburse you for?

22 A. No.

23 MS. KHOSRAVI: Okay. Let's mark this.

24 DEPOSITION EXHIBIT 3

25 MARKED BY THE REPORTER

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1 A. To go on-site. I'm looking at the notes. It says
2 there was travel to St. Louis and St. Thomas. And when
3 that -- when there was travel coming up, I would be
4 potentially working later than 40 hours by preparing
5 whatever it was.

6 Q. Now, I notice on this document it says potentially --
7 travel coming up September 15th and September 24th.

8 A. Mm-hmm.

9 Q. You would be traveling -- you would be preparing for
10 the travel a month in advance of the upcoming travel?

11 A. Well, you have to realize I was a new employee, so I
12 was learning everything.

13 Q. Right. So that's my question, how long in advance of a
14 trip you started preparing for the trip.

15 A. As soon as I heard about it I would start preparing for
16 it.

17 Q. And what did you do to prepare for the trip?

18 A. I would print out whatever documentation, training
19 documentation that pertained to the session, and I
20 would practice on the -- in the demonstration software
21 on my laptop so I could be well-versed in front of the
22 client.

23 And Lisa Seymour and I did a lot of
24 self-study activities together.

25 Q. I want to talk about when you actually went to a client

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1 site by yourself. Was there ever an occasion where you
2 did not have another implementation consultant with you
3 at a client site?

4 A. Yes.

5 Q. What location was that? Was it several times or just
6 one time?

7 A. It was more than once.

8 Q. When you went to a client site was it to go there and
9 train them on Tyler software?

10 A. Yes.

11 Q. Did you do anything else while you were at the client
12 site other than training them on the software? Did you
13 help them convert their data?

14 A. No.

15 Q. Did you help them configure the system?

16 A. If they wanted -- I mean if they needed to add a pay
17 code or something like that, I would help them do that,
18 yes. So it wasn't -- it wasn't always planned. I mean
19 it was very random if it came up.

20 Q. So you might not have known that once you go out there
21 you have to help them put in a pay code, for example?

22 A. You wouldn't know.

23 Q. You would not know?

24 A. Right.

25 Q. So once you got to a client site --

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1 A. I went there to train.

2 Q. You went there to train. But if they said, Oh, we need
3 this information to present itself in a different way,
4 then you would need to actually configure the system
5 for them as to how to do that?

6 A. I would be with them while they called the call center.

7 Q. So you would not actually help them configure it?

8 A. In general, no.

9 Q. You said in general, no. Did you ever?

10 A. I probably did.

11 Q. But typically speaking, you actually refer them to the
12 call center?

13 A. Customer service.

14 Q. Customer service.

15 Okay. So before you went out there to train
16 them, you were starting to tell me what you would do in
17 preparation for traveling to a client site to train
18 them.

19 First of all, how would you know that you
20 need to go to a client site to train? Who would tell
21 you that information?

22 A. Penny or my project manager.

23 Q. They would tell you the date that you needed to be
24 there; correct?

25 A. Correct.

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1 Q. They would tell you who you needed to meet up with when
2 you got there; correct?

3 A. Correct.

4 Q. Would they also tell you which modules or which
5 software in particular that needed to be trained?

6 A. Specifically what was going to be covered, yes.

7 Q. Okay. Tell me then, what did you do? Did you prepare
8 an agenda for your training?

9 A. The project manager usually prepared the agenda and
10 gave it to the implementation consultants.

11 Q. You told me earlier that, yes, sometimes as soon as you
12 found out there was a trip, even the trip that was --
13 you found out about a month before it was to take place
14 you started preparing, so I want to know what it is
15 that you did to prepare. If the agenda was prepared
16 for you by the project manager, I want to know in the
17 meanwhile, what were you doing to prepare for the
18 training session? Walk me through that.

19 MS. BAGLEY: Form; asked and answered. You
20 can answer.

21 A. I would, again, become as versed as possible --
22 well-versed as possible on the software. I would just
23 practice whatever it was we were training on.

24 BY MS. KHOSRAVI:

25 Q. For you to learn the software; correct?

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1 A. Always.

2 Q. Okay. So what did you do specifically to prepare for
3 the training session? Did that have to do -- you had
4 to be well-versed on the software in order to be able
5 to train the employees?

6 A. Correct.

7 Q. What else did you do besides learning the software to
8 be prepared for the training session?

9 A. A lot of -- a lot of reading and a lot of -- again, I
10 told you I did a lot of my self-studying with another
11 co-worker, Lisa Seymour specifically. And we would
12 just -- it was repetition. It was repetition,
13 understanding all the intricacies --

14 MS. BAGLEY: Intricacies.

15 A. -- intricacies of the software.

16 BY MS. KHOSRAVI:

17 Q. When you got to a client site how did you know how to
18 train them? Because so far you've told me the only
19 preparation you did was learn the software yourself.
20 So you know the software. You learned the software.
21 You get to a client site. How were you then prepared
22 or what did you do to train them?

23 A. I learned that through shadowing. That was what
24 shad- -- the purpose of shadowing was about, was to
25 watch other Tyler trainers train and copy that.

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1 Q. And you -- but you didn't go to the same client that
2 you watched another implementation consultant train;
3 correct? You went to a new client?

4 A. Sometimes I went to the same.

5 Q. Okay.

6 A. I mean I did training in St. Louis. I also shadowed in
7 St. Louis.

8 Q. So the client, Tyler's clients would receive multiple
9 training on the same software and the same module?

10 A. Not --

11 Q. They would be different modules; correct?

12 A. You could -- you could go train on time entry. You
13 could then go train on reporting.

14 Q. But you wouldn't train them twice on the reporting
15 module?

16 A. Correct. You didn't go back and train the same thing
17 every time.

18 Q. So even though you shadowed and you watched another
19 implementation consultant train that same group of
20 people on one module, when you went back to train them
21 you were training them on a completely different set of
22 modules?

23 A. It's all under the HR/payroll module, but, yes, time
24 and attendance like would be a subcategory.

25 Q. So what did you do then to prepare for that? I know

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1 you studied and you prepared yourself. Did you prepare
2 a PowerPoint presentation? Did you prepare --

3 A. No.

4 Q. So you went to the client site unprepared to train
5 them?

6 A. No, I went --

7 MS. BAGLEY: Object to the form.

8 BY MS. KHOSRAVI:

9 Q. Answer that question. I want to know what -- how
10 you --

11 A. I was very prepared.

12 Q. Prepared in the sense that you knew how the software
13 worked.

14 A. Yes.

15 Q. I am very prepared with respect to knowing how to take
16 a deposition, but I can't just walk into any room and
17 just start talking. I have to know about that
18 particular client and -- and design my deposition for
19 that particular client.

20 A. All given by the project manager.

21 Q. Okay. So the project manager would give you what?

22 A. She would tell you what you needed to do. She would --
23 she would just tell you what she -- what her
24 expectations, what the client expectations were; and if
25 you had any questions or concerns, she would address

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1 them as well.

2 Q. So the project manager would tell you what the client's
3 expectations were, you said, meaning which sections of
4 the program they wanted to get training on? I'm trying
5 to understand that.

6 A. Yes.

7 Q. So was she --

8 A. The project manager knew what the client was to receive
9 out of this training session, so she would prepare us
10 by making sure that all the points were covered.

11 Q. And how did she prepare you?

12 A. Typically through a conversation on the phone,
13 sometimes Web Ex.

14 Q. And she would tell you these are the specific not
15 modules, but you said subcategories that they need to
16 be trained on?

17 A. She would -- she would definitely tell you what you
18 needed to train on.

19 Q. So when you went to a client site did you take a laptop
20 with you?

21 A. Yes.

22 Q. How did you then start training them? Did you prepare
23 a PowerPoint presentation?

24 A. No. We typically used the client's software. So even
25 though I had a laptop, we were using the client's

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1 software. And I'm sure through my training I've had --
2 I had agendas. I don't know that they were agendas I
3 created or my project manager created for me. I do not
4 recall. But that basically gave the flow of the
5 training session.

6 Q. Based on the agendas that were prepared?

7 A. Correct.

8 Q. Did you ever have to deviate from those agendas?

9 A. Probably.

10 Q. Did you ever have an occasion where somebody, clients
11 you were training were not getting it and you had to go
12 back or figure out how else to teach it to them to get
13 it?

14 A. Probably.

15 Q. You just don't remember?

16 A. I can't recall specifically. I will say that typically
17 on -- at client sites there was a lead person on the
18 client side as well, and that person was typically
19 responsible for ensuring that the client was doing
20 their part.

21 Q. When you say client was doing their part, what is it
22 that the client was supposed to be doing?

23 A. If it was trained, if I had trained it, then that
24 person would not expect me to train it again. So if
25 the client -- if the -- there were people in the class

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1 that weren't paying attention or were talking or were
2 going in and out, that wouldn't be something that I
3 would have to address.

4 Q. That would not be something that you would have to
5 address?

6 A. No. If I trained what I was supposed to train, that
7 was my only goal, was to train what I was supposed to
8 train. And typically the person who's signing off on
9 the trip report is agreeing with that. So I don't
10 recall ever really doing any repetitive retraining.

11 Q. If you had a group of difficult students, I don't want
12 to say -- students who were having a hard time
13 understanding the new software, did you come up with
14 different ways of how to teach it to them, or you just
15 said, well, you know what, tough luck, they don't get
16 it, I'm just going to continue teaching?

17 MS. BAGLEY: Form.

18 A. I certainly would try to be as helpful as possible, but
19 I was instructed how to train and that's how I trained.

20 BY MS. KHOSRAVI:

21 Q. Why did your employment with Tyler Technologies end?

22 A. Why did it?

23 Q. Yeah.

24 A. I guess that's subjective. They terminated me.

25 Q. They terminated. Okay. Do you know why they

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1 previously, would you agree that you did not work
2 anymore than 40 hours during that week?

3 A. Yes.

4 Q. Let's move on to the next one. Are you looking at
5 expense report for the week of 8-31-2008?

6 A. Yes.

7 Q. And based on the reflection on this expense report that
8 you spent the entire week in the Raleigh office --

9 A. Correct.

10 Q. -- is it correct that you did not spend anymore than 40
11 hours at work during that week?

12 A. Correct.

13 Q. Is the next expense report you're looking at 9-7-08?

14 A. Yes.

15 Q. And again, based on the reflection of that expense
16 report, is it an accurate statement that you did not
17 spend anymore than 40 hours working during that week?

18 A. Correct.

19 Q. Is the next one you're looking at 9-14-2008?

20 A. Correct.

21 Q. Now, this one reflects that you spent Monday, Tuesday,
22 Wednesday and Thursday in St. Louis County; is that
23 correct?

24 A. Correct.

25 Q. Do you remember whether you were there still shadowing

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1 or whether this was your first assignment?

2 A. It was my first assignment, because I can tell from the
3 summary of activity that the client was being billed.
4 And there was a client form attached to this one.

5 Q. Tell me what you're looking at under Summary of
6 Activity. Where it says: Billable one or zero --

7 A. Zero or one, yes.

8 Q. When you put one, that means that you were training
9 them; that's why that time was being billed to the
10 client?

11 A. It is being billed to the client. Whatever I was doing
12 there was being billed to the client.

13 Q. Does this document reflect any number of hours that you
14 spent at the client site?

15 A. It does not.

16 Q. During this training session in St. Louis County do you
17 recall whether or not you did any conversion for them
18 while you were there?

19 A. What do you mean conversion?

20 Q. Converting their old data to their new software. Is
21 that something that you ever dealt with?

22 A. No.

23 Q. So when you were training these folks, you had no
24 knowledge of the previous software that they were
25 using, other than the fact that you were there to train

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1 them on the new Tyler Technologies software?

2 A. Correct.

3 Q. Did you do any data entry? You started to tell me at
4 some trip you thought you might have done data entry.
5 This trip right here, the week of 9-14-2008 in
6 St. Louis, do you remember whether you were training
7 them or not?

8 A. I remember that I trained them on time and attendance.
9 I just don't remember when.

10 Q. So you don't -- looking at this document, this is not
11 refreshing your memory as to what you were doing in
12 St. Louis County on this particular occasion?

13 A. No, it does not reflect -- I mean it does not state
14 what I was doing specifically.

15 Q. So we've established that the one trip to St. Louis
16 before this one was when you went there and you
17 shadowed another implementation consultant. Do you
18 remember that?

19 A. Correct.

20 Q. And then you went back to St. Louis County during this
21 week; correct?

22 A. Correct.

23 Q. But sitting here today, you do not remember at all what
24 it is that you were doing, whether you were shadowing
25 or you were training them?

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3 A. The work wasn't done. What the objective, what I was
4 sent there to do was not completed.

5 Q. And the objective for you was what; to train their
6 employees on the software?

7 A. That was typically the objective. The one that I
8 stayed 10, 11:00 at night was more for -- I think it
9 was more data entry, perhaps.

10 Q. You think on one occasion you were sent to the client
11 site to actually do data entry?

12 A. Yes.

13 Q. Do you remember who the client was?

14 A. I would know if you said it, but --

15 Q. I don't know who all your clients were. Maybe we'll
16 find out once we go through your time sheets.

17 I want to understand this data entry. When
18 you talk about data entry, what data were you entering,
19 what were you doing? What does that mean?

20 A. I can think of on one occasion just doing a parallel
21 payroll.

22 Q. What does that mean?

23 A. That means you're just -- they've got their payroll on
24 their Legacy system, their old system, they're not yet
25 live on the MUNIS system, and we're going to run the

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1 two systems together to make sure that anything that
2 needs to be addressed is addressed before they go
3 actually switch to just the MUNIS system.

4 Q. Were you ever at a client site when they were at the
5 go-live phase of the project?

6 A. Yes.

7 Q. And what would you -- what was your role then, during
8 the go-live phase?

9 A. It would be going through the process, the payroll
10 process.

11 Q. At the go-live phase?

12 A. Correct. You know, you would -- from the opening up
13 the pay period to doing all the entry, training,
14 whatever, to running the reports, to printing the
15 checks, to sending out any fees, check reconciliations
16 to the banks, and just the whole process.

17 Q. When you're there at a client site for the go live,
18 you're not training them anymore during that week, are
19 you?

20 A. Typically, no. You're there to -- in case they need
21 training, though.

22 Q. I see. So -- and tell me what go-live phase is so the
23 record is clear. What is a go live?

24 A. That's the -- the go live is the date they're actually
25 going to start using the system.

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1 Q. The new software that Tyler has sold to them?

2 A. Yes.

3 Q. So you are there on-site at the client site so that in
4 case they have any issues, you can troubleshoot for
5 them?

6 A. That was -- that had --

7 MS. BAGLEY: Form.

8 A. On one occasion at least I was there at the go live,
9 but it wasn't always the go live. I mean --

10 BY MS. KHOSRAVI:

11 Q. No. No. I'm only talking about your role on the
12 client side during a go-live phase.

13 A. Yes, you're there for support.

14 Q. But you're not actually sitting there doing payroll for
15 them?

16 A. No. No.

17 Q. Okay. So before we got to this go-live phase, you were
18 telling me about at least one occasion where you were
19 at the client site and you had to stay till about
20 10:00, and you recall you were doing data entry. Do
21 you remember what we were talking about then?

22 I'm not asking -- I'm just asking whether you
23 remember that conversation.

24 A. Yes.

25 Q. So let's go back to that conversation. Think back

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1 about what you were doing.

2 You said you were doing data entry. You were
3 doing -- you were doing parallel payroll; is that the
4 term you used?

5 A. I did use the term parallel payroll.

6 Q. I want to -- I want to understand what it is that you
7 were doing. Were you looking at their old system,
8 seeing a name with how much they were making and then
9 typing in that information into the new software or no?
10 You actually had reports printed out, compared the two
11 reports to make sure the correct information from the
12 Legacy system made its way over to the new system? I
13 want to know which one of those two you were doing.

14 MS. BAGLEY: Form.

15 A. In St. Louis they had purchased billable time for
16 parallels, and so they would have their old reports,
17 and we would use those reports to put into -- the
18 information into the new system to see how the outcome
19 would be.

20 BY MS. KHOSRAVI:

21 Q. So you were actually entering the old data into the new
22 software?

23 A. That was -- no. You --

24 Q. No?

25 A. Entering time. It was a -- it was just time. Not --

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1 you know, not employee demographics or anything. It
2 was just time.

3 Q. So you were actually entering the data regarding how
4 many hours their employees had worked into the new
5 software?

6 A. In St. Louis on one occasion, yes.

7 Q. Did you ever sit down with any of your clients to
8 discuss what their needs were with respect to the
9 software in order to design the software?

10 A. No. That was done through the project manager.

11 Q. Did you ever sit down with a client to discuss
12 configuring the software for the client?

13 A. Project manager.

Q. Project manager did that?

15 A. Yes.

16 Q. Yes. And you never had an occasion to do that;
17 correct?

18 A. I wasn't allowed, really, to do that.

19 Q. Okay. So you never actually sat down with the
20 project -- with the client to do configuration or
21 discuss configuration; correct?

22 A. Correct.

23 Q. Did you ever sit down with the client and discuss
24 business processes or do fit analyses?

25 A. Done by the project manager.

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1 Q. So you never did?

2 A. No.

3 Q. So other than you converting some of the client's data
4 from the old system to the new system, that's one, and
5 then training the client's employees on how to use the
6 new Tyler software, that's two, perform any other
7 functions?

8 MS. BAGLEY: Form. Other than what she's
9 already testified to?

10 BY MS. KHOSRAVI:

11 Q. Other than these two.

12 A. No. It all falls under the genre of training. And in
13 the -- in the example of St. Louis, there was -- they
14 had purchased data entry services.

15 Q. Tell me if I'm wrong. What I'm categorizing are
16 functions. I'm categorizing it into two categories.
17 One function you had at a client site was to train
18 their employees actually in the classroom setting,
19 teaching them how to use the software; is that correct?

20 A. That is correct.

21 Q. So that's one.

22 And then the other one I'm hearing is you
23 actually inputting the data from their old system into
24 their new system. That's the second one that you've
25 testified to; correct?

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1 understood your salary to be 50,000; is that right?

2 A. Correct.

3 Q. And the paychecks that you were getting were consistent
4 every week? You were getting a set amount of salary
5 every -- every two weeks, was it?

6 A. No.

7 Q. Why were --

8 A. Every two weeks I was paid, yes. The amounts were
9 different, because if you were traveling you got
10 premiums. You got travel premiums, \$30 a day.

11 Q. But depending -- if you worked 40 hours a week, like we
12 discussed going through expense reports, the weeks you
13 worked 40 hours per week your salary was still the same
14 as the week where you actually might have traveled
15 somewhere else, your base salary, which was --

16 A. Correct.

17 Q. -- at 50,000.

18 And when you -- you were first employed by
19 Tyler, you understood that the number of hours you were
20 going to be working each week was going to be
21 different?

22 MS. BAGLEY: Form.

23 BY MS. KHOSRAVI:

24 Q. Some weeks you may work 40 hours --

25 A. No.

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1 Q. You thought you were going to work the same amount of
2 hours every week?

3 A. I had -- I wasn't told otherwise. I wasn't told that
4 this -- sometimes I'd be working 80 hours and sometimes
5 I'd be working 40 hours. My schedule was the typical 8
6 to 5.

7 Q. So when you were interviewed and when you were
8 employed, you were told you're going to be working 8 to
9 5 only?

10 A. I don't recall being told what my -- you know.

11 Q. Based on your previous work experience --

12 MS. BAGLEY: Wait. Were you finished?

13 BY MS. KHOSRAVI:

14 Q. Are you finished?

15 A. Yes.

16 MS. KHOSRAVI: Read that back, the question I
17 asked her.

18 (Record repeated as requested)

19 BY MS. KHOSRAVI:

20 Q. So let me --

21 A. The "only" thing is what I had a concern with. I
22 wasn't told that I would be working 8 to 5 only. I
23 knew that the business office in Raleigh was open from
24 8 to 5.

25 Q. Did anyone stay in the office after 5:00?

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1 A. I -- I'm sure -- I have no idea.

2 Q. You don't know. Because you never stayed after 5:00 to
3 know whether anyone else stayed or not; correct?

4 MS. BAGLEY: Form.

5 BY MS. KHOSRAVI:

6 Q. We went over that earlier, that when --

7 MS. BAGLEY: Form.

8 A. In general, no, I did not stay after 5. Saying never
9 is a little bit -- you know, that has me concerned,
10 because it may have happened.

11 BY MS. KHOSRAVI:

12 Q. Based on your previous experience at Ceridian, where
13 you told me you were an exempt employee and you were
14 not paid overtime, at Ceridian were you always working
15 8 to 5 only?

16 A. At Ceridian I was working out of my house, and my hours
17 were 8 to 5.

18 Q. Was there ever an occasion that you were working more
19 than 40 hours a week at Ceridian?

20 A. I'm sure there was.

21 Q. Did you get overtime pay for that job?

22 A. I got stock options and other --

23 Q. Those are benefits. I'm talking about --

24 A. -- forms of compensation.

25 Q. You got other benefits. Did you receive overtime pay?